



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
on the 30th day of November, 1999

Served: December 3, 1999

In the matter of the revocation of the interstate scheduled
air transportation certificate issued under 49 U.S.C. 41102
to

**EXEC EXPRESS II, INC.
d/b/a Aspen Mountain Air
d/b/a Lone Star Airlines**

Docket 49504

pursuant to the provisions of section 204.7 of the
Department's Aviation Regulations

ORDER REVOKING CERTIFICATE

Summary

By this order, we are revoking the interstate scheduled passenger certificate issued to Exec Express II, Inc. d/b/a Aspen Mountain Air and d/b/a Lone Star Airlines for reason of dormancy.

Background

Exec Express II, Inc. (Exec Express) holds a certificate authorizing it to engage in interstate scheduled passenger air transportation.¹ The carrier operated under its certificate until November 14, 1998, when it ceased all air transportation operations.²

Section 204.7 of our rules (14 CFR 204.7) provides that, if a carrier ceases the air transportation operations for which it was found fit, it may not resume or advertise such services until its fitness to do so has been redetermined by the Department. Section 204.7 further provides that, if a carrier does not have its fitness redetermined and resume operations within one year of the date of its cessation, its economic operating authority will be revoked for dormancy. By letters dated November 16, 1998, and August 24, 1999, we reminded Exec Express of the revocation-for-dormancy provisions of section 204.7.

¹ See Order 94-9-5, issued September 7, 1994.

² Prior to ceasing operations, in August 1998, the carrier filed for protection under Chapter 11 of the United States Bankruptcy Code.

It has now been over one year since Exec Express stopped operating. To date, the carrier has not filed an application to resume operations, nor do we have any other information that would lead us to conclude that it plans to resume operations any time soon.³ Under these circumstances, we will revoke, without prejudice, Exec Express's certificate for reason of dormancy.

ACCORDINGLY, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We revoke, without prejudice, the interstate scheduled certificate issued to Exec Express II, Inc. d/b/a Aspen Mountain Air and d/b/a Lone Star Airlines by Order 94-9-5.

2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order, under 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall become effective and become the final action of the Department of Transportation upon expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

JOHN V. COLEMAN
Director
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*

³ We also note that Exec Express surrendered its Air Carrier Certificate to the Federal Aviation Administration in December 1998.

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